THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 5th day of January, 2007

W.P.No.6084 of 2004

Between:-

Sri Krishna Engineering Company,
rep. by its Managing Partner,
B. Sai Rama Rao … Petitioner

and

The Superintending Engineer,
Irrigation Circle, Eluru,
West Godavari District
and others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of respondents in not closing the contract i.e. Superintending Engineer Agreement No.11SE/94-95 by passing the final bill even though the work was completed in the year 2000 as arbitrary and illegal and consequently to direct the respondents to refund the EMD and security deposit of the petitioner.

It appears that the petitioner was entrusted with the work of construction of foundation and superstructure of Anacut across Thammileru river near Vijayarai, West Godavari District, in pursuance of a tender notification issued by the 1st respondent and entered into an agreement bearing No.11SE/94-95. According to the petitioner, it has completed the work and even the regular bills were paid, but the final bill is not settled and the EMD and security deposit were also not returned. Under those circumstances, he got a legal notice issued on 15-4-2003. Respondent No.2 issued a reply to the said notice stating that there is no bill pending for works done, to be paid except EMD and additional security deposit and as the matter is nearing finalization and efforts are being taken up to obtain clearance from the Q.C. authorities, it was felt, the matter will be settled within a month or two and LOC was also sought for and as soon as both are obtained, the payment will be arranged to the petitioner. Further, it is stated that as the contract was completed, in all respects, during the year 2000, the final

bill was also prepared and get ready and because of some technical aspects involved and objections raised by the Quality Control Authorities, the bill could not be presented by the Deputy Executive Engineer to Divisional Office.

In view of the above, without expressing any opinion on merits, respondents are directed to settle the final bills and also consider for refund of EMD and additional security deposit pending with them, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

With the above direction, the Writ Petition is disposed of. No order as to costs.

05-1-2007

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